

Before the
Federal Communications Commission

Washington, DC 20554

In the matter of) WT Docket Nr.
05-235

)

Amendment of Part 97 of the Commission's Rules) RM-10781, RM-10782

to Implement WRC-03 Regulations Applicable to) RM-10783, RM-10784

Requirements for Operator Licenses in the) RM-10785, RM-10786

Amateur Radio Service) RM-10787, RM-10805

) RM-10806, RM-10807

) RM-10810, RM-10811

) RM-10867, RM-10868

) RM-10869, RM-10870

COMMENTS and PETITION FOR DECLARATORY RULING

I. Summary of Petitioner's Request:

1. Dorothy Jubon (Petitioner) holds a valid Technician Class Amateur License. Petitioner also presently holds a valid NVEC certificate for passing examination Element 3 for the General Class License. Petitioner has been working to timely pass her Element 1 code requirement within the valid lifetime of her NVEC Element 3 certificate (issued 17 October 2004) so as to qualify for a General Class License. This NPRM proposes to eliminate the telegraphy requirement (Element 1) for amateur radio licensure. Accordingly, under the new Rules, Petitioner would, upon filing the proper application, be immediately qualified for the General License without requirement for further examination. Petitioner respectfully requests that within a reasonable time after regularization of the terms of this Docket, and upon request of an Applicant, the FCC grant a General Class License to any Applicant who demonstrates that on the release date of the WT-Docket Nr. 05-235 "NPRM and Order" (19 July 2005), said Applicant possessed both a current Technician Class Amateur License, and a (then) current/valid VEC Certificate for Element 3 covering General Class Licensees.

II. Petitioner's Standing:

2. Petitioner's name is Dorothy Louise Jubon. Petitioner resides at 2389 Saint Kennedy Lane, Buford Georgia, 30518-7334. Petitioner is occupied as a Bookstore Manager and homemaker, and is of legal age.

3. Petitioner is an FCC amateur radio licensee . Technician Class . call sign N2DLJ. Petitioner's license was originally issued under call sign KI4FUG on 03 June 2004. The license was re-issued under call sign N2DLJ on 11 November 2004 at the request of the licensee.

4. Petitioner has earned and holds an Element 3 - General Class VEC certificate issued on 17 October 2004. This VEC Certificate is valid as

of both the date of release of the "NPRM and Order" in this Docket and the date and filing of this Petition.

5. This Petition was prepared 22-23 August 2005.

III. Basis of request:

6. Petitioner respectfully submits that within the ranks of those currently working on their telegraphy skills to upgrade their Licenses to General, but particularly in individuals who have also already passed their Element 3 exams, this "NPRM and Order" has created an air of disincentive and futility toward drudging onward to pass the soon-to-be-removed/negated Element 1 telegraphy requirement.

7. Most probably, under current Rules and interpretations, and acknowledging normal NPRM processing time lapses, many months may reasonably be expected to pass before this "NPRM and Order" is regularized. If that situation holds true, Petitioner, among others, will be obligated to either re-take at a later date one-and-the-same Element 3 exam already passed, or will have to soon pass the lame-duck telegraphy Element 1. Petitioner, and those in similar situations will be/are otherwise currently and fully qualified under future Rules to be granted full General Class privileges.

8. Ample precedent for Element-by-Element treatment for crediting and disposition of other considerations exists within the record of this Commission. One reference drawn is in this "NPRM and Order" at 8 and fn. 26. The "NPRM and Order" at 10 notes that Volunteer Examiners reports from well before release of this NPRM specifically observe the

disincenting and/or feelings of futility in applicants confronting their required Element 1 demonstrations. Reference is also drawn to the "NPRM ." at 30 wherein the Commission discusses some of the mechanics of current license upgrading within an environment absent Element 1.1

IV. Conclusion:

9. Of primary import is recognition that persons who have passed examinations for "current" Elements 2 and 3 as of mid July 2005, may be forced into completing the defunct Element 1 requirement, or being re-examined for Element 3 in order to be licensed as a General Class operator. Petitioner, having passed Elements 2 and 3 prior to release of this "NPRM and Order" seeks relief as stated supra.

V. Proposed Amendment to Rules:

10. The following amendment is proposed to =A797.505(a)(6)

11. =A797.505(a)(6) is re-designated to become =A797.505(a)(6)(i).

12. =A797.505(a)(6)(ii) is added) Where an applicant submits proof of holding a Technician Class Operator License continuously valid since 19 July 2005, and an Element 3 CSCE being valid on 19 July 2005, full credit be given for an administrative grant of General Class licensure.

Respectfully submitted,

Dorothy Louise Jubon

ECFS - Email Filing

<PROCEEDING>05-235

<DATE>08/23/2005

<NAME>Dorothy Louise Jubon

<ADDRESS1>2389 Saint Kennedy Lane

<ADDRESS2>

<CITY>Buford

<STATE>GA

<ZIP>30518-7334

<LAW-FIRM>Pro Se

<ATTORNEY>

<FILE-NUMBER>

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- no record found of original filing via ECFS on 23 August 2005).

<CONTACT-EMAIL>dorothy@jubon.net

<TEXT>Before the

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Respectfully submitted,

Dorothy Louise Jubon

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